



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#15
Linda
9/2/03

In the Application of:

Kenneth H. Grabstein, Dean K. Pettit and
Raymond J. Paxton

Docket No.: 2831-E

Group Art Unit: 1645

Serial No: 09/578,669

Examiner: Navarro, A. M.

Filed: May 25, 2000

For: ANTAGONISTS OF INTERLEUKIN-15

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Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO REVIEW RESTRICTION REQUIREMENT
UNDER 37 C.F.R. §1.144

Sir:

Applicants hereby petition the Commissioner to review the restriction requirement as made FINAL by the Examiner in the present application. Applicants submit that there have been (1) a proper request for reconsideration of the restriction requirement and (2) a repeated action by the examiner, which are evidenced in applicants' Paper filed February 24, 2003, and in the Office actions mailed November 19, 2002, and May 20, 2003, respectively.

Statement of facts:

The examiner maintains the restriction requirement of 30 Groups in total. In particular to this petition is applicants' petition to have the restriction requirement between Group I (IL-15) and Group II (IL-15 mutein) be withdrawn. Applicants have submitted to the examiner that:

- The basis for the restriction requirement between Groups I and II is not proper in view of *In re Harnisch*; and
- Claim 26, which is drawn to an antagonist comprising IL-15 or mutein thereof with other limitations as claimed, is a linking claim, to which the examiner disagrees.

Points to be reviewed:

- Whether Claim 26 is a linking claim and thus should be examined in accordance with MPEP § 809, in particular § 809.04.
- Whether the examiner's restriction requirement of Groups I and II is proper in view of *In re Harnisch*.

Action requested:

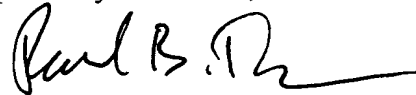
- Withdraw the restriction requirement between Groups I and II.
- Confirm that Claim 26 is a linking claim
- Examine Claim 26 in accordance to MPEP § 809.04, in the event that the restriction between Groups I and II is not being withdrawn.

If there is any fee required for this petition, please charge Deposit Account No. 09-0089.

Applicants request favorable action on this petition.

Immunex Corporation
Law Department
51 University Street
Seattle, Washington 98101
Telephone: (206) 587-0430

Respectfully submitted,



Paul B. Tran, Ph.D.
Agent for Applicants
Registration No. 41,565
Direct Tel.: (206) 265-6293